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Attorneys for Defendant TD Bank, N.A.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

_____	x
	:
MZL CAPITAL HOLDINGS, INC. and	: Honorable Renee Marie Bumb, U.S.D.J.
THOMAS RAIC, On behalf of themselves and all	:
others similarly situated,	: Civil Action No: 14 CV 05772 (RMB)(AMD)
	:
Plaintiffs,	:
	: DEFENDANT TD BANK, N.A.'S
	: NOTICE OF MOTION TO DISMISS
v.	:
	:
	: Return Date: February 16, 2016
TD BANK, N.A. and UNIDENTIFIED	:
ENTITIES (A-Z),	:
	: ORAL ARGUMENT REQUESTED
Defendants.	:
_____	x

TO:

Diane E. Sammons
NAGEL RICE, LLP
103 Eisenhower Parkway
Roseland, New Jersey 07068

COUNSEL:

PLEASE TAKE NOTICE that on February 16, 2016, at 9:00 a.m., or as soon thereafter as counsel may be heard, the undersigned counsel for Defendant TD Bank, N.A. ("TD Bank") will move before the Honorable Renee Marie Bumb, U.S.D.J., at the United States District Court, District of New Jersey, Mitchell H. Cohen U.S. Courthouse, 1 John F. Gerry Plaza, Fourth

& Cooper Streets, Camden, New Jersey 08101, for entry of an Order granting TD Bank's Motion to Dismiss Plaintiff's Second Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6).

PLEASE TAKE FURTHER NOTICE that in support of said Motion, TD Bank will rely upon the Memorandum of Law and Declaration submitted herewith.

PLEASE TAKE FURTHER NOTICE that TD Bank respectfully requests oral argument.

WINSTON & STRAWN LLP
Attorneys for Defendant
TD Bank, N.A.

By: s/ Jeffrey P. Catenacci
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Dated: December 23, 2015

OF COUNSEL:
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CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2015, copies of the foregoing Notice of Motion and supporting documents were served as follows:

BY ECF:

Diane E. Sammons
NAGEL RICE, LLP
103 Eisenhower Parkway
Roseland, New Jersey 07068

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

s/ Jeffrey P. Catenacci

Jeffrey P. Catenacci

Dated: December 23, 2015